

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid processing delays.

- *This application is objected to because it contains a data file on compact disc, which is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs (see 37 CFR 1.52(e)). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.*

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

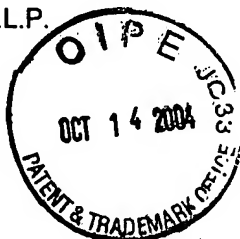


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/766,605	01/27/2004	Peter Chumakov	SBIO/0002.D1

MOSER, PATTERSON & SHERIDAN, L.L.P.
Suite 1500
3040 Post Oak Blvd.
Houston, TX 77056



CONFIRMATION NO. 3828

FORMALITIES LETTER



OC000000013510987

Date Mailed: 08/11/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/19/2004 SDIRETA1 00000091 200782 10766605

01 FC:2051 65.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Peter Chumakov
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Peter Chumakov, et al.

Serial No.: 10/766,605

Confirmation No.: 3828

Filed: January 27, 2004

For: METHODS FOR GENE
FUNCTION ANALYSIS

§
§
§
§
§
§
§
§
§
§
§

Group Art Unit: Unknown

Examiner: Unknown

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING 37 CFR 1.8	
I hereby certify that this correspondence is being deposited on October 12, 2004 with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.	
<u>10/12/04</u> Date	<u>B. Todd Patton</u> Signature

RESPONSE TO NOTICE TO FILE MISSING PARTS

Applicant files this Response to a Notice to File Missing Parts (Form PTO-1533), within the two-month period set to expire on October 11, 2004. The notice (copy enclosed) indicates that the application was filed without (i) an executed Oath/Declaration and (ii) a proper computer readable form of the "Sequence Listing."

Enclosed for filing in the above-referenced application is (i) an executed Declaration, (ii) a floppy disk containing a substitute copy of the computer readable form (CRF) of the sequence listing as required by 37 C.F.R. § 1.821(e) and (iii) a copy of Notice to File Missing Parts.

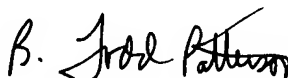
The substitute copy of the sequence listing information recorded in computer readable form is identical to that originally filed and is identical to the written on paper sequence listing. Further, the submission of the substitute copy of the computer readable form contains no new matter.

Applicants submit that the compact discs originally submitted with the filing of the application were intended to satisfy the requirement for the computer readable form of the "Sequence Listing" which was filed as a paper copy in accordance with 37 C.F.R. § 1.821(c). Accordingly, the compact discs originally filed are not subject to 37 C.F.R. §

1.52(e) and do not require incorporation-by-reference in the specification since they were not intended to be the "Sequence Listing" submitted under 37 C.F.R. § 1.821(c). Therefore, Applicants respectfully request withdrawal of the failure to comply with 37 C.F.R. § 1.52(e) and withdrawal of the objection to the specification.

The Commissioner is hereby authorized to charge a total of \$65.00 as payment of the surcharge associated with this Response, or credit any overpayment, to Deposit Account No. 20-0782/SBIO/0002D1.

Respectfully submitted,



B. Todd Patterson
Registration No. 37,906
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Agent for Applicants